



The Salisbury Planning Board held its regular meeting Tuesday, June 30, 2009, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

**PRESENT:** Karen Alexander, Maggie Blackwell, Robert Cockerl, Richard Huffman, Craig Neuhardt, Valarie Stewart and Diane Young

**ABSENT:** Dr. Mark Beymer, Tommy Hairston, Albert Stout, Bill Wagoner

**STAFF:** Dan Mikkelson, Preston Mitchell, Diana Moghrabi, David Phillips, and Patrick Ritchie

This meeting was digitally recorded for *Access 16* television by Jason Parks. Mark Wineka of the *Salisbury Post* was present.

Chairman Robert Cockerl called the meeting to order and offered an invocation. The minutes of the May 26, 2009, meeting were approved as submitted. The Planning Board adopted the agenda removing LDOZ-6-03-2009 and adding S-02-07. This meeting was originally scheduled for June 23 but rescheduled.

Robert Cockerl read the Courtesy Hearing explanation and procedures.

## **NEW BUSINESS**

### **(a) Subdivision**

#### **S-02-07**

#### **Preliminary Subdivision Plat Country Club Hills Section 8**

Patrick Ritchie made the staff presentation. This plat was last approved by the Planning Board May 8, 2007, and the developer is now requesting an extension so that it may be completed as originally designed. This plat was approved under the "old" subdivision ordinance, and possessed a valid approval on the effective date of the Land Development Ordinance (LDO). Per the LDO enabling ordinance, the developer may request an extension under the code that was in effect at the time the plat was approved. In accordance with Section 5.01.1.k of the Subdivision Ordinance, the Planning Board may require a preliminary plat to adhere to any new requirements before granting the extension.

The preliminary plat was approved in 2007 with the following stipulations:

1. Relief from standards was granted to allow three street segments to exceed the maximum distance of 800 feet between intersections.
2. Relief from standards was granted to allow the entrance on Old Mocksville Road to be less than 800 feet from existing intersections on a thoroughfare.
3. No individual driveway connections will be allowed onto Old Mocksville Road from Lots 301-308 or Lot 358.
4. The area will be voluntarily annexed into the City of Salisbury and the streets and public utilities will be added to the City systems. The annexation may occur in phases coordinated with construction if desired by the developer.

Approval, if granted, will be subject to the following standard provisions:

1. Improvements for drainage, streets, sidewalks, water and sewer must be designed in accordance with City standards and policies. All engineering drawings must be approved by the City prior to construction.
2. All surveying and engineering plans must be tied to the NC State Plane Coordinate System.
3. Erosion control must be provided in accordance with Rowan County regulations.
4. Maintenance of common areas/planted medians shall be in accordance with the same covenants established for earlier phases of Country Club Hills.
5. Street names must be assigned and approved by Rowan County Emergency Services prior to submittal of the final subdivision plat.
6. Approval of the preliminary plat will be valid for two years. Extensions of preliminary plat approval may be requested for no added cost in advance of the expiration date, or for 50 percent of standard fees after the expiration date.

The proposed extension was reviewed by the Technical Review Committee (TRC) May 21, 2009, and the committee voted unanimously in favor of the extension.

Craig Neuhardt made a MOTION to approve S-02-07 as submitted. Dick Huffman seconded the motion with all members voting AYE. (7-0)

## (b) District Map Amendment

### **CD-6-04-2009**

Westridge Place II Apartments  
 Westridge Village, LLC  
 Unnumbered Statesville Boulevard (behind Salisbury Mall)  
 Tax Map–Parcel(s): portion of 331-023A  
 Size / Scope: Approximately 10 acres

Request to amend the LDO and the Land Development District Map by rezoning approximately ten acres (portion of one parcel) from HIGHWAY BUSINESS (HB) to

RESIDENTIAL MIXED-USE (RMX) district and to establish a CONDITIONAL DISTRICT (CD) OVERLAY to permit the development of a 48-unit apartment complex.

Preston Mitchell made a staff presentation; staff recommended in favor of the rezoning.

The project will be a campus-style development characterized by clustering inwardly oriented buildings that address one another and provide a public common space and parking areas. This development includes a unified system of sidewalks, paths, streets, and drives, and a unified design of common themes represented in building design, material, signage, and lighting. It does not have public street frontage.

- This plan meets all building material provisions for apartment building types in the RMX district.
- This plan meets all building design standards for apartment building types in the RMX district.
- This plan meets all building dimensional standards for apartment building types in the RMX district.
- This plan meets all private lighting provisions.

*Those speaking in opposition*

NONE

*Those speaking in favor*

Nathan Coyle with Ramsay, Burgin, Smith Architects and Craig Stone, President of Wynnefield Properties, Inc., made themselves available for questions, adding that they do roughly ten outdoor amenities for a community they build.

An easement does not allow for complete visual separation from the Mall. (The site is constrained by a waterline and a sewer line.) They are not required to provide complete visual separation.

*Board Discussion*

Dick Huffman made a MOTION to approve CD-6-04-2009, Westridge Place II, stating that “it is consistent with the goals objectives, and policies of the Vision 2020 Comprehensive Plan, and hereby recommend approval.” Diane Young seconded the motion. All members voted AYE. (7-0)

This would go forward to City Council with a recommendation to approve.

**CD8-05-2009**

**Taco Bell**

John Leatherman

Joan Leatherman, Trustee

Unnumbered Jake Alexander Boulevard

Tax Map - Parcel(s): 061-210 (parcel to be developed within overlay)

Approximately 1.27 acres (both parcels in overlay = 2.4 acres)

Request to amend the Land Development Ordinance and District Map by rezoning approximately 2.4 acres (two parcels) by amending an existing Conditional District (CD) Overlay to permit the development of a 2,755 square-foot Taco Bell fast food restaurant.

Preston Mitchell made a staff presentation. A Duke Energy transmission easement runs through the site. They are not asking to change the base zoning district (HB). The plan proposes a standard 5-foot sidewalk along the project site frontage of Jake Alexander Boulevard; however, the Technical Review Committee (TRC) unanimously recommended that a sidewalk extend north along Jake Alexander Boulevard to Mooresville Road. Mr. Mitchell provided the Sidewalk Priority Index score that was determined using the formula from the Sidewalk Prioritization Plan. (This project scored lower than staff thought it would.)

Preston Mitchell praised the developer for meeting the code.

*Those speaking in opposition*

NONE

*Those speaking in favor*

The applicant, Cory Baker with Kimley-Horn and Associates, was available for questions.

*Board Discussion*

There was a discussion regarding the Sidewalk Prioritization Plan, and Mr. Mitchell explained how properties are scored under this plan. Payment in lieu costs are now \$25 per linear foot.

Karen Alexander made a recommendation to approve. "The Planning Board finds that CD-8-05-2009, Taco Bell, is consistent with the goals objectives, and policies of the Vision 2020 Comprehensive Plan, and hereby recommends approval. She added that the recommendation should include a payment in lieu for only the sidewalk that is in front of the property due to the fact that the Sidewalk Priority Index score was only 35." Maggie Blackwell seconded the motion. All members voted AYE. (7-0)

## **C. Revision to Conditional District Overlay**

**CD-7-02-2008-15**

**Sacred Heart Church & School**

Request to revise the Sacred Heart CD Master Plan in several areas. Preston Mitchell made a staff presentation.

Revision #2 Clarified at TRC

1. Additional gravel parking area to the north of the gym/school.
2. Additional trees in expanded parking area.
3. Relocation of dumpster at expanded parking area.

4. Change of material at dumpster screen—from brick to metal siding to match gym.
5. Deletion of drain and pipe from dumpster pad to grease trap (no drain—Health department does not have a problem with this)
6. Change of material at sidewalks—brick pavers to concrete.
7. Revised impervious calculations and parking calculations due to parking lot expansion.
8. Change of material at fire access lane—gravel to asphalt.
9. Change of material of southwest parking area from gravel to asphalt.

Revisions to elevations sheets L.6 and L.7 adding L6A and L7A

1. Deleted metal awnings at south elevation of school
2. Deleted pre-cast crosses at south elevation school—replaced with brick crosses inset in wall.
3. Deleted the entry element at gym south wall.
4. Shortened length of south porch at gym.
5. Deleted canopy-covered walkway from church to school.
6. Deleted high windows at gym east and west walls.
7. Revised roof design at school building to mono pitch from south to north with parapet wall on south elevation.
8. Revised brick type at base of church towers to buff-colored Norman size.
9. Added Norman buff color brick base to all buildings.
10. Revised roof design at east wall of church from hip to gable end.
11. Revised door locations at church south and north transepts.
12. Revised window locations at east wall of church and at rear of church on north and south elevations.
13. Lowered ridgeline of roof at north and south transepts.
14. Deleted vents in gable of north and south transepts.
15. Sheet L.7 east and west elevations of the church were mislabeled, this has been corrected.
16. Changed pre-cast cross at peak of gable on front east elevation of church to pre-finished aluminum.
17. Revised cross material at peak of tower roofs from copper to pre-finished aluminum.
18. Deleted vents in gable of north and south transepts.
19. Revised window sizes of windows c and d on the south elevation of the south tower.
20. Revised square pre-cast details at parapets of school gym to square brick details.
21. Deleted brick wall that extended past the edge of the building at the kitchen.
22. Added new window “O” beside front entry of the gym.
23. Changed window “G” to double window at the school.
24. Relocated door #7 at the school from east elevation to south elevation.
25. Revised exterior material of north side of school from metal siding to brick veneer (except at the gym).
26. New window “CCC on west elevation of school in place of door.
27. New window “DDD” and door #21 on west elevation of school.
28. Deleted windows on north and south transepts on west elevation.

Karen Alexander had concerns about deleting windows and vents. She would support seeking City Council's opinion regarding these changes.

Gray Stout, Architect for the project, addressed Ms. Alexander's concerns. The drawings previously submitted were prior to construction drawings being prepared. The revisions are presented due to cost constraints in order to bring the project into budget. The windows were high in the gym and would have created a tremendous glare into the gymnasium. The bell towers originally had vents on all four sides and they deleted the two on the back or east side of the towers. These were placed for aesthetics and not for sound. There is still an abundance of windows, including 15 stained glass windows. Mr. Stout further described windows and other revisions.

Mr. Stout said, "These are small revisions in light of the magnitude of the project. The church is being built entirely by the donations of parishioners."

Maggie Blackwell asked Mr. Stout what had been built—which items are seeking approval "after the fact"? Preston Mitchell said that the original approved drawings do not represent what has been constructed. This is part of the learning curve of the new Land Development Ordinance. Ms. Blackwell requested that staff inform the Planning Board of these items or point them out in the future. Dick Huffman stated that he would prefer that Planning Board have the opportunity to see revisions prior to the work. Diane Young asked to revisit this process at the end of the meeting.

Diane Young said that she believes Salisbury is "in the learning curve as we see how projects go through the build-out phase." She would have been fine with the changes that have been submitted if offered beforehand; they fall within the design criteria. Ms. Young then made a MOTION to approve CD-7-02-2008-15 Revisions to the Sacred Heart CD master plan. Maggie Blackwell seconded the motion with all members voting AYE. (7-0)

#### **D. Special Use Permits**

Those speaking during the Special Use Permit hearings were sworn in for the quasi-judicial proceedings. All comments should be submitted as evidence and not opinion.

David Phillips made a staff presentation.

- (a) Swear in those persons testifying at courtesy hearing
- (b) Present evidence—courtesy hearing
  - (1) Receive testimony from staff
  - (2) Receive testimonies from proponents and opponents
- (c) Findings of facts
- (d) Recommendation to City Council

**SUP-03-09 Looking Glass Artist Collective**

405 North Lee Street

TM-011, Parcel-245

Zoning DMX

David Phillips made a staff presentation.

Ms. Sarah Hall, President of the Looking Glass Artist Collective, submitted the request for a Special Use Permit to allow on-site alcohol consumption as part of the use within an establishment located at 405 and 407 North Lee Street in accordance with the Land Development Ordinance Chapters 2.7.C and Additional Standards Section 3.3.D. The alcohol sales will be associated with an art and theatre gallery. Businesses where on-site alcoholic beverages are sold which are not part of a larger restaurant are classified as a bar, tavern or nightclub based on the use definition of the Land Development Ordinance.

The bar, tavern, or nightclub use is permitted in the DMX district with the approval of a special use permit. This use also has an additional requirement that no such facility shall be located within five hundred (500) feet of any lot containing a school. Staff has determined there are no schools within 500 feet of the proposed establishment.

Special uses are land uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Special uses ensure the appropriateness of the use at a particular location within a given zoning district. The evaluation and approval of a Special Use permit shall be governed by quasi-judicial proceedings, which are based on sworn testimony and evidence presented at the hearing. This evidence is based on three general standards being met. The following statements have been taken from the application submitted by applicant:

- (a) **The use meets all required principles and specifications of the Ordinance and any adopted plans and is in harmony with the general purpose and intent and preserves its spirit:** Our facility includes a theatre. We host plays and visiting musicians. Our guests have let us know that beer and wine would be appreciated and enhance their experience when attending events.
- (b) **The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area:** This proposal does not affect the surrounding area and is contained totally inside the facility.
- (c) **The public health, safety and welfare will be assured and the purposed development will not substantially injure the value of adjoining property and associated uses if located where purposed:** We intend to monitor serving of alcohol, and allow it to be served only by those who have had the ABC training course. We will hire security for the events where alcohol is consumed.

*Those speaking in opposition*

NONE

*Those speaking in favor*

NONE

*Board Discussion*

Seating is 75-125 people at events. They hope to have events every weekend.

**Valarie Stewart** made a MOTION regarding evidence based on finding of fact. Based on the evidence provided to this board:

- (a) This use meets all required principles and specifications of the ordinance and any adopted plans and is in harmony with the general purpose and intent and preserves its spirit;
- (b) The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area;
- (c) The public health, safety and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where it has been identified.
- (d) It has been determined there are no schools within 500 feet of the proposed establishment.

The Salisbury Planning Board recommends approval of **SUP-03-09**. Diane Young seconded the motion and all members voted AYE. (7-0)

This item will be forwarded to City Council. David Phillips will handle proper public notifications. He expects a public hearing July 21, 2009.

## COMMITTEES

- A. The Legislative Committee A (Valarie Stewart, Chair; Mark Beymer, Vice Chair; Robert Cockerl, Karen Alexander, Richard Huffman) Staff will email draft language and the committee will discuss via Internet.
- B. City Council has made a request for Planning Board to review sidewalk requirements on industrial zoned properties. Legislative Committee B (Albert Stout, Chair; Craig Neuhardt, Vice Chair; Bill Wagoner, Diane Young, Tommy Hairston, Maggie Blackwell) will meet July 14 at 4 p.m. in the Council Chamber.

Staff will walk through the sidewalk scoring process with the committee.



## **OTHER BOARD BUSINESS**

Robert Cockerl thanked the Board for their work.

Diane Young said she is a huge proponent of the design guidelines in the Land Development Ordinance (LDO). She hopes that staff will provide clarification/information on approved projects that the builder/developer is to make staff aware of any changes or modifications to an approved project. The builder/developer also needs to be made aware of any time frames for approval process. Applicants need to be fully aware of the process.

Maggie Blackwell reminded Planning Board that the one meeting a month could change back to two meetings a month to provide better customer service.

Preston Mitchell explained the staff timeline and the review of TRC comments. He will provide the information to approved CDs and the Mayor's signed plans. He has been giving the information verbally, but going forward he will do so in writing.

The next Planning Board meeting will be July 28, 2009.

There being no further business to come before the Planning Board, the meeting was adjourned at 6:03 p.m.

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Robert Cockerl, Chair

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Diana Moghrabi, Secretary